

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: LIKOUREZOS et al. GROUP ART UNIT: 3691
SERIAL NO.: 10/044,075 FILED: January 11, 2002
EXAMINER: Hani Kazimi Atty. Docket No. 1002 CIP III
FOR: **SYSTEM AND METHOD FOR EFFECTING A PAYMENT FOR AN
ITEM OFFERED FOR AN ELECTRONIC AUCTION SALE**

Confirmation No. 7427

**Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

DECLARATION UNDER 37 CFR §1.131

Dear Sir:

In light of the telephonic interview with the Examiner on June 30, 2009, with respect to the above-identified patent application, I, GEORGE LIKOUREZOS, declare as follows:

1. I am one of the named inventors in U.S. Patent Application Serial No. 10/044,075 filed on January 11, 2002.
2. XPRT VENTURES, LLC is the Assignee of the present application.
3. I have read the reference, U.S. Patent Publication No. 2002/0082973 A1 issued to Marbach et al. on June 27, 2002 and filed on December 27, 2000 ("Marbach et al. Publication").

4. I make this declaration under 37 C.F.R. §1.131 in order to present information as a showing of facts evidencing invention and reduction to practice of the subject matter of allowed Claim 1 prior to December 27, 2000, the earliest effective filing date of the Marbach et al. Publication.

5. All acts set forth herein took place in the United States.

6. Appended hereto as Exhibits A1 and A2 are true copies of a disclosure describing Applicants' invention titled "SYSTEM AND METHOD FOR MAKING PAYMENTS FOR ONLINE AUCTIONS" (Exhibit A1) and a draft of the patent application corresponding to Applicants' parent application filed on January 17, 2001, now U.S. Patent No. 7,483,856, as filed with figures (Exhibit A2) that together (Exhibit A1 and A2) and individually (Exhibit A2 by itself) support the subject matter recited by the pending independent claims in the present application. Both documents provide evidence of the invention of the subject matter claimed prior to December 27, 2000, which has been redacted to remove dates and/or confidential/proprietary information.

7. Support for the limitations in the allowed Claim 1 of the application can be found throughout Exhibits A1 and A2. Exhibit A1 provides support for many of the limitations in allowed independent Claim 1 of the present application, since Exhibit A1 discusses, inter alia, creating accounts, and debiting and crediting the payment accounts for effecting payments, such as for effecting payments for items won from

online auctions. Additionally, Exhibit A2 in its entirety provides support for all of the limitations in allowed independent Claim 1 of the present application.

8. Exhibits A1 and A2 in the portions thereof cited, evidences the making of the invention of allowed independent Claim 1 of the present application in the U.S. prior to December 27, 2000, the earliest priority date of the Marbach et al. Publication. Exhibit A2 also provides support for the language in Applicants' independent Claim 1. For example, Exhibit A2 describes at page 17, lines 4-11 in conjunction with Figure 4A, "An automatic payment field 416 is further provided for the user 102 to authorize the computerized electronic auction payment system 110 to debit the user's electronic auction payment account in real-time every time the user 102 is deemed a winning bidder. If the user 102 checks this field, then, at the conclusion of an electronic auction, if the user 102 is deemed the winning bidder, then the system 110 in real-time debits the user's electronic auction payment account and credits an electronic auction payment account corresponding to the seller, and/or other user-specified accounts corresponding to the seller as described above with reference to fields 402 and 404." The same exhibit also states at page 13, lines 4-8, "Each electronic auction payment account is configured for storing funds therein (similar to a bank account) which can be used to effect payment, and not information relating to sources which can be used to initiate payment, such as credit card information. Further, each electronic auction payment account is configured for the system 110 to loan funds to, in case there are insufficient funds therein, to effect payment, as described below."

9. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under §1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

Dated: _____

8/6/09

A handwritten signature in black ink, appearing to read 'G. Likourezos', written over a horizontal line.

George Likourezos, Esq.
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